

Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

<i>In re</i> DISTRIBUTION OF CABLE ROYALTY FUNDS	CONSOLIDATED DOCKET NO. 14-CRB-0010-CD/SD (2010-13)
<i>In re</i> DISTRIBUTION OF SATELLITE ROYALTY FUNDS	
<i>In re</i> DISTRIBUTION OF CABLE ROYALTY FUNDS	CONSOLIDATED DOCKET NO. 14-CRB-0010-CD (2010-13)

**MPA-REPRESENTED PROGRAM SUPPLIERS' COMMENTS ON THE MOTION OF
CERTAIN ALLOCATION PHASE PARTIES FOR FURTHER DISTRIBUTION
OF 2010-13 CABLE ROYALTY FUNDS**

On November 10, 2020, certain of the Allocation Phase Parties (“Movants”) filed a motion with the Copyright Royalty Judges (“Judges”) seeking further partial distribution to the Movants “in an amount equal to 90% of the party’s final share as set forth in Appendix A to the Judges’ *Order Directing Parties to Review Calculations of Final Distribution Shares*” pursuant to 17 U.S.C. § 801(b)(3)(A), arguing that those funds are no longer in controversy and should be subject to distribution (“Motion”). MPA-represented Program Suppliers (“MPA”) did not join the Motion and files the instant comments to express concerns with the relief sought by the Motion.

The Motion will not further the Judges’ stated goal of making a prompt final distribution of all remaining 2010-13 Cable royalties to the participants in these proceedings. Indeed, the further partial distribution sought by Movants could delay a prompt final distribution of

remaining 2010-13 Cable royalties and will only further complicate the Licensing Division's final distribution calculations for the participants in these proceedings by forcing them to account for yet another round of partial distributions to certain parties, while other parties' royalties remain undistributed. The Judges already issued orders granting all of the Allocation Phase Parties' motions for final distribution of the 2010-13 Cable royalties on October 2, 2020. MPA respectfully requests that the Judges instruct the Licensing Division to expeditiously resolve the calculation errors identified by MPA and SDC in their October 26, 2020 Notices so that *all* of the 2010-13 Cable royalties remaining on reserve can be distributed to the rightsholders entitled to receive them promptly, as the Judges intended, and in the correct shares of royalty funds determined for each Allocation Phase party by the Judges in their Final Determination. *See* 84 Fed. Reg. 3552, 3552 (February 12, 2019). A prompt final distribution remains critical for the many rightsholders that have been significantly impacted by the ongoing COVID-19 pandemic,¹ and should not be compromised to accommodate another partial distribution to certain parties, particularly if such a partial distribution creates more complicated calculations for the Licensing Division.

The calculation issues identified by MPA and SDC in their October 26, 2020 Notices should not unduly delay the final distributions ordered by the Judges in these proceedings. The Judges directed the Licensing Division to prepare final distribution calculations on October 2, 2020, and the Licensing Division prepared the calculations in Appendix A and delivered them to the Judges by October 14, 2020, only twelve days later. Accordingly, MPA has every

¹ *See* Letter From Jane V. Saunders Of MPA Regarding MPA-Represented Program Suppliers' Pending Motion For Final Distribution at 2 (filed August 24, 2020) (noting the "significant negative economic impact of the COVID 19 pandemic on **all** of the rightsholders MPA represents and, in particular, on the hundreds of independent producers—the industry's version of moms and pops – the MPA represents in the Program Suppliers group").

confidence that the Licensing Division will be able to revise its calculations speedily to remedy the errors identified by the participants once ordered to do so by the Judges, without unnecessary delay or unnecessary complications in the calculation of the final distributions of 2010-13 Cable royalties.

CONCLUSION

For all the reasons set forth above, MPA respectfully requests that the Judges continue to prioritize the final distribution of all 2010-13 Cable royalties remaining on reserve over additional partial distributions of those royalties to certain participants.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on November 12, 2020, I caused a copy of the foregoing to be served on all parties registered to receive notice by eCRB by filing through the eCRB filing system.

/s/ Lucy Holmes Plovnick

Lucy Holmes Plovnick